



## ***City of Gaithersburg***

31 South Summit Avenue  
Gaithersburg, Maryland 20877

Planning Commission Regular Session Agenda  
City Hall - Council Chambers  
Wednesday, April 17, 2013, 7:30 PM

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**I. APPROVAL OF MINUTES**

A. March 20, 2013, Planning Commission Meeting

**II. RECORD PLATS**

**III. CONSENT ITEMS**

**IV. SIGN PERMITS**

A. **SIGN-2665-2013 -- 7-Eleven Convenience Store**  
MXD Zone  
3 Professional Drive  
Electronic Sign

B. **SIGN-2376-2013 -- 6 E. Diamond Avenue**  
CBD Zone  
Waiver of Letter Height  
SIGN APPROVAL

**V. SITE PLANS**

**VI. FROM THE COMMISSION**

**VII. FROM STAFF**

**VIII. ADJOURNMENT**

To confirm accessibility accommodations, please contact the Department of Planning and Code Administration at 301-258-6330.

Please turn off all cellular phones and pagers prior to the meeting. Hand held signs brought may not be displayed in a manner which disrupts the meeting, blocks the view of spectators or cameras and poses a safety concern [e.g., signs mounted on stakes]. Your cooperation is appreciated.

All revised site plans to be reviewed by the Planning Commission will be due twelve (12) days before the meeting. All plans, except for **Consent Agenda** items, will require the applicant to post sign(s) of the hearing date on the property under consideration at least nine (9) days before the meeting. Planning staff will provide all signs, which are to be picked up at City Hall. All information to be submitted for Planning Commission meetings will be due **no later than 12:00 PM on the Friday** before the meeting. Materials associated with any agenda item may be reviewed at the offices of the Planning and Code Administration during regular business hours.

The Planning Commission normally will not begin consideration of a new site plan 10:30 PM, and the Chairman will announce anything contrary. The Alternate does not participate on regulatory items, unless a Commissioner is absent.

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## ANNOUNCEMENTS

**MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION  
MARCH 20, 2013**

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Chair John Bauer called the meeting to order at 7:30 p.m. Present at the meeting were Vice-Chair Lloyd Kaufman, Commissioners Matthew Hopkins, Geri Lanier, and Danny Winborne Joseph Coratola (Alternate), Planning and Code Administration Director John Schlichting, Planning Director Lauren Pruss, Community Planning Director Trudy Schwarz, Long-Range Planning Lead Rob Robinson, Planning Technician Greg Mann, and Recording Secretary Myriam Gonzalez. Chair Bauer noted Alternate Commissioner Coratola would not actively participate this evening, since all Commissioners were present.

**I. APPROVAL OF MINUTES**

February 6, 2013, Planning Commission Meeting

Commissioner Lanier moved, seconded by Commissioner Hopkins, to APPROVE the Minutes of the February 6, 2013, Planning Commission Meeting, as submitted.

Vote: 3-0-2 (Abstained: Kaufman and Winborne)

**II. CONSENT ITEM**

AFP-1814-2013 -- 9 Maryland Avenue R-90 Zone  
699-Sq.Ft. Detached 2-Car Garage  
AMENDMENT TO FINAL PLAN REVIEW

Vice-Chair Kaufman moved, seconded by Commissioner Winborne, to APPROVE the Consent Agenda.

Vote: 5-0

**III. RECOMMENDATIONS TO MAYOR AND COUNCIL**

SDP-1641-2012 -- VII Crown Farm Owner, LLC c/o Sunbrook Partners  
Request for approval of Schematic Development Plan SDP-1641-2012, per annexation X-182 and Sketch Plan Z-315, located in the Crown Property Neighborhood 3 (Parcels 833) in Gaithersburg, Maryland. The subject application proposes a community Home Owners Association (HOA) facility and amenity park. The subject property site is bordered by Decoverly Drive and Crown Park Avenue.

Commissioner Hopkins recused himself from this review due to a possible conflict of interests.

Long-Range Planning Lead Robinson stated that a joint public hearing with the City Council on this proposal for a 2.35-acre HOA facility for Neighborhoods 2 and 3 was held on February 4, 2013. He briefly listed the aspects of the proposal discussed at the public hearing, and noted the Commission's record closed on March 14. He voiced staff's recommendation for approval

with a condition as listed in the Staff Analysis of this application. Mr. Robinson located the property on an aerial photograph and briefly noted the minor revisions to the plan, based on comments made at the public hearing.

He answered Chair Bauer's question regarding the street design. The Commission had no further comments and moved as follows:

Vice-Chair Kaufman moved, seconded by Commissioner Winborne, to recommend to the City Council APPROVAL of SDP-1641-2013, with the following condition:

1. Applicant is to receive approval of the photometric and lighting plan, turning radius and the pavement and marking plans by the Department of Public Works prior to the issuance of site development permits.

Vote: 4-0

ASK-1746-2013 -- CarMax Auto Superstores

Request to amend the Sketch Plan for 13.66 acres of land in the MXD (Mixed Use Development) Zone, in accordance with § 24-198 of the City Code. The plan proposes a 25,000- square foot Automotive Sales Center and a 225,000-square foot Office/Commercial Building. The property is located at 16331 Shady Grove Road in the City of Gaithersburg, Maryland.

and

SDP-1747-2013 -- CarMax Auto Superstores

Request for approval of Schematic Development Plan SDP-1747-2013, in conjunction with Amendment to Sketch Plan ASK-1746-2013. The property is located at 16331 Shady Grove Road in the City of Gaithersburg, Maryland. The plan proposes a 25,000-square foot Automobile Sales Center on 13.66 acres of land located in the MXD (Mixed Use Development) Zone.

Community Planning Director Schwarz located the property, noting the sketch and schematic development plan area. She voiced staff's recommendation for approval of the above-referenced applications. She referenced the Final Staff Analysis of these applications, read the modified conditions recommended for approval of the schematic development plan, and provided a brief explanation concerning those modifications.

Chair Bauer and Commissioner Winborne voiced a concern with Condition 3 in terms of setting an undesired precedent by including a sign specification so early in the process when details of the plan are unavailable. Following discussion and further clarification by staff, Chair Bauer considered the condition acceptable with a modification as listed in the motion below.

Commissioner Hopkins moved, seconded by Commissioner Winborne, to recommend to the City Council APPROVAL of ASK-1746-2013.

Vote: 5-0

Commissioner Hopkins moved, seconded by Commissioner Lanier, to recommend to the City Council APPROVAL of SDP-1747-2013, with the following conditions:

1. Prior to final site plan, the applicant shall work with City and County staff to finalize the requirements of the January 29,

2013, letter and March 20, 2013, e-mail from Montgomery County Department of Transportation (MCDOT);

2. Prior to the issuance of a site development permit, the applicant shall obtain a permit from Montgomery County for the construction of an eight-foot sidewalk parallel to Shady Grove Road as required by MCDOT;
3. The style of monument sign may be allowed to be twelve (12) feet in height from the finished grade of the street as shown in Exhibit #17 of SDP-1747-2013, subject to Planning Commission approval at Final Site Plan; and
4. The parking aisles in the vehicle display area shall be allowed to be twenty (20) feet in width as shown on Exhibit #49.

Vote: 5-0

#### IV. SITE PLANS

AFP-1668-2012 -- Sheehy Ford  
901 North Frederick Avenue  
3,073-Sq.Ft. Showroom Addition  
AMENDMENT TO FINAL PLAN REVIEW

C-2 Zone

Planner Seiden located the property that is the subject of this application, which includes a request for a one-foot waiver of the required (26') drive aisle width in front of the dealership.

*Engineer for the applicant, Brian Donnelly, Macris, Hendricks and Glascock,* noted the proposed addition is within the allowed Floor Area Ratio (FAR), indicated there are no site access changes, and trip generation is minimal. He further noted the plan does not need revisions to existing stormwater management and forest conservation area due to the small area of disturbance. He indicated the staff-proposed conditions for approval are acceptable to the applicant.

*Architect for the applicant, Thomas Flanagan, Flanagan Architects, AIA,* noted the reason for the proposed addition, and presented sample materials and renditions of the proposed architectural design.

There was no testimony from the public.

Planner Seiden voiced staff's recommendation for approval, as the plan meets the Zoning Ordinance approval criteria, subject to the applicant's compliance with the conditions listed below. The Commission voiced no concerns and moved as follows:

Vice-Chair Kaufman moved, seconded by Commissioner Lanier, to grant AFP-1668-2012 - Sheehy Ford, AMENDMENT TO FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance §§ 24-170, 24-172A and 24-222A, with the following conditions:

1. Applicant is to submit a sign package for Planning Commission approval in accordance with City Code § 24-212(b), prior to final building permit inspection;

2. Applicant is to receive a one-foot waiver of the 26-foot drive aisle requirement from the Planning Commission; and
3. Applicant is to work with Department of Public Works on revising site plan notes and details for greater clarity.

Vote: 5-0

Vice-Chair Kaufman moved, seconded by Commissioner Lanier, to grant AFP-1668-2012 - Sheehy Ford, a PARKING WAIVER of one foot of the required drive aisle width.

Vote: 5-0

AFP-1892-2013 -- Brighton West Condominium III                      R-20 Zone  
West Side Drive  
Additional Parking and Restriping of Lot  
AMENDMENT TO FINAL PLAN REVIEW

Planning Technician Mann located the property which is the subject of this application to include six new parking spaces within an existing parking island, and add six more spaces elsewhere in the parking lot through restriping. He indicated the application includes two parking waiver requests, namely, of the required drive aisle width and of the double striping requirement for new parking stalls. Mr. Mann noted the existing lot consists of single-stripe parking and a drive aisle width of 21.4' (22' required).

*Brighton West III Condominium Association President Dia Starcher, applicant, read a statement that provided background regarding the parking provisions in the community and the basis for their concerns with staff's condition for compliance with the double-striping requirement. She pointed out the plan before the Commission this evening shows the spaces in front of 874 through 858 West Side Drive to be restriped to nine feet in width, which is not proposed by the applicant. She indicated the applicant intended for these spaces to remain unaltered.*

The following was testimony from the public:

*Christine Gaither, 826 West Side Drive; and Naginder Singh, 824 West Side Drive, Section II residents, stated they still do not have parking in front of their houses and the subject plan does not address this issue.*

Chair Bauer pointed out the property line between Sections II and III is between their house locations and the parking in front of them. He noted that an agreement was sought to no avail for a cross easement between the two private properties, adding that this issue is not within the Commission's purview. Community Planning Director Schwarz also pointed out the Planning Commission approved the entire original site plan, but was not involved in setting up the condominium regime.

Planning Director Pruss voiced staff's recommendation for approval of the plan amendment as well as the waiver of the drive aisle width. She indicated staff does not support the applicant's request for a waiver of the double striping. Mrs. Pruss noted that staff has no objection to deferring a decision on this application to further work with the applicant on the restriping of parking in front of Units 874-858 West Side Drive.

Chair Bauer pointed out the entire parking for the community is consistently single-striped and questioned the advisability of adding to the complexity of the parking situation by double-striping the parking spaces under consideration. Commissioner Hopkins noted the applicant has demonstrated sufficient hardship in complying with the required parking module

dimensions; however, there is insufficient basis for a waiver of double striping all new parking. The Commission moved as follows:

Commissioner Winborne moved, seconded by Vice-Chair Kaufman, to grant AFP-1892-2013 - Brighton West Condominium III, AMENDMENT TO FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance §§ 24-170 and 24-172A, with the following conditions:

1. The site plan shall be modified to provide wall details (elevation and section), wheel stop detail/specs, and show top and bottom of wall elevations.
2. Should either of the existing trees within the adjoining green spaces die as a result of construction, the applicant shall replace the tree with a shade tree of similar species measuring a minimum 2.5 inch DBH; and
3. Applicant must double stripe all new parking.

Vote: 5-0

Commissioner Winborne moved, seconded by Commissioner Lanier, to grant AFP-1892-2013 - Brighton West Condominium III, a PARKING WAIVER of 2.6 feet of the required drive aisle width for the adjoining drive aisles.

Vote: 5-0

Chair Bauer noted more work is needed between the two homeowners associations.

#### V. FROM THE COMMISSION

##### Commissioner Winborne

Commended Community Planning Director Schwarz and Planner Seiden for their professionalism, expertise and high-quality customer service in resolving a long-standing issue.

##### Commissioner Hopkins

Encouraged participation in upcoming informational conferences by planning institutions on new planning technologies.

##### Vice-Chair Kaufman

Recommended pursuing the increase of biking linkages from the City to Shady Grove Metro Station. Community Planning Director Schwarz briefly provided information on current construction relating to the master planned pathway connection network.

##### Commissioner Lanier

Noted the incidence of vehicular accidents at the Great Seneca Highway/Lakelands Drive intersection. Planning and Code Administration Director Schlichting cited current efforts to improve traffic safety and efficiency along Great Seneca Highway.

*Alternate Commissioner Coratola*

Reported attending the National Facilities Management & Technology (NFMT) Conference, March 12-17, 2013, and encouraged visiting their website at [www.nfmt.com](http://www.nfmt.com) to learn of new programs for green initiatives and parking elements, among others.

VI. FROM STAFF*Planning Director Pruss*

Introduced Planning Technician Greg Mann.

*Community Planning Director Schwarz*

Listed the dates for the next regular meeting (April 17), the State of the City Dinner (April 11), the Planning Commissioner Webinar (April 13), and a joint public hearing with the City Council on April 15.

*Planning and Code Administration Director Schlichting*

1. Thanked Commissioner Winborne for his kudos to staff, noting the Department's staff's professionalism and high level of customer service.
2. Provided updates on the City's possible participation in the County's Common Ownership Communities Program, MedImmune's amendment to their annexation agreement, the Frederick Avenue Corridor study, and 315 East Diamond Avenue/Fishman property.
3. Reported the City has been certified as a Sustainable Maryland Municipality.

VII. ADJOURNMENT

There being no further business to come before this session, the meeting was duly adjourned at 9:20 p.m.

Respectfully submitted,

M. Gonzalez  
Recording Secretary



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## STAFF COMMENTS FOR PLANNING COMMISSION

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**MEETING DATE:** April 17, 2013

**SUBJECT:** **SIGN-2665-2013**

**TITLE:** **7-Eleven Monument Sign**

**REQUEST:** **ELECTRONIC MONUMENT SIGN  
SIGN PERMIT**

**ADDRESS:** 3 Professional Drive

**ZONE:** MXD (Mixed Use Development)

**APPLICANT:** Shawn Pyktel

**TENANT:** 7-Eleven

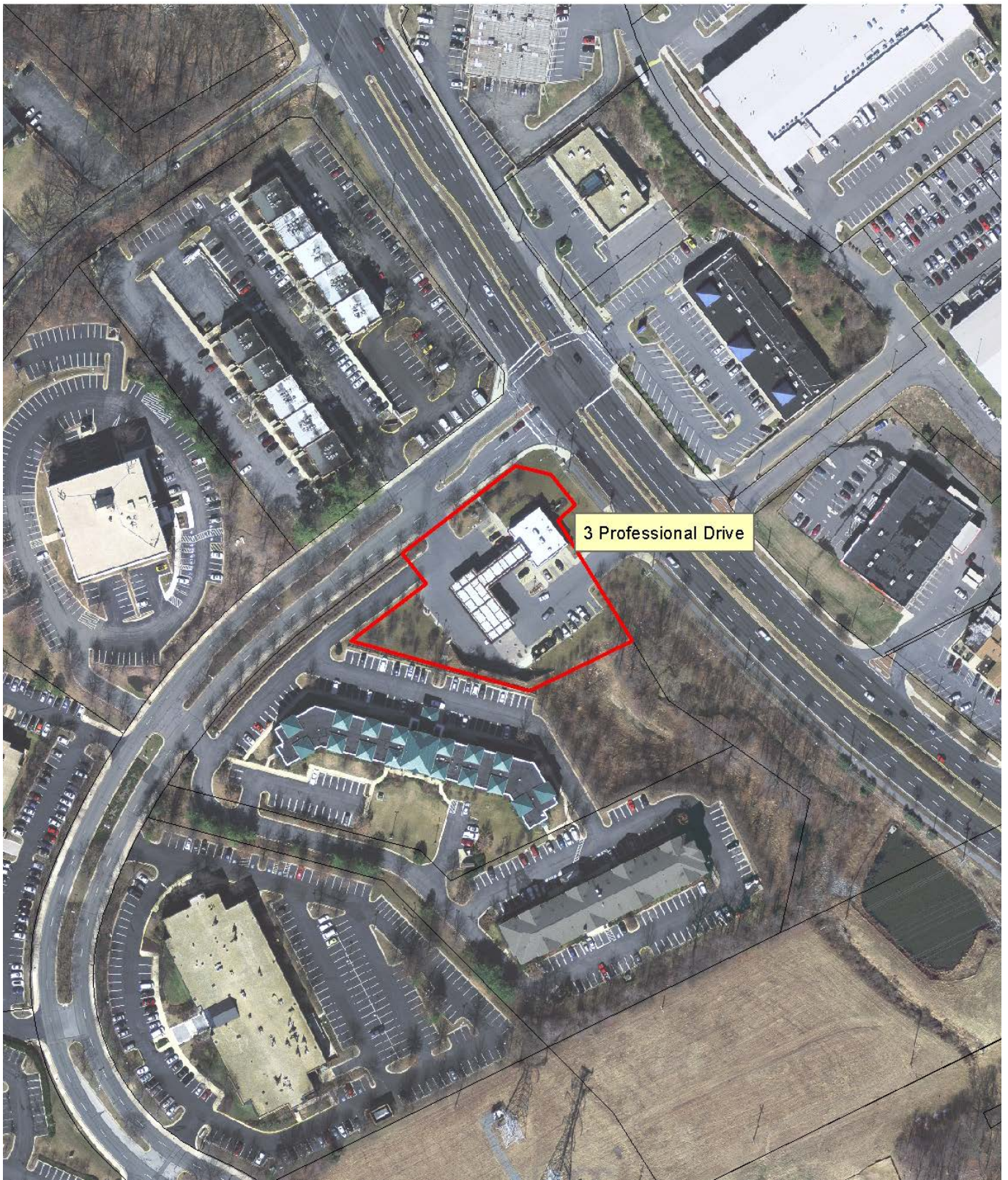
**STAFF LIAISON:** Gregory Mann, Planning Technician  
Trudy Schwarz, Community Planning Director  
(Presenter)

**Enclosures:**

Staff Comments and Location Map  
Exhibits

Exhibit 1: Sign Permit Application  
Exhibit 2: Existing Sign Specifications  
Exhibit 3: Proposed Sign Specifications





Location Map



## **STAFF COMMENTS**

### **I. BACKGROUND:**

The applicant has submitted an application for a sign permit, SIGN-2665-2013 (Exhibit 1). The subject property is located at 3 Professional Drive, at the corner of Professional Drive and North Frederick Avenue, and is zoned Mixed Use Development (MXD).

### **II. SCOPE OF REVIEW:**

This application comes before the Planning Commission because the monument sign contains an electronic price display. Monument signs consisting of an electronic message board must be approved by the Planning Commission pursuant to § 24-212(m)(6) of the City's Sign Ordinance, which states:

*"The inclusion of electronic message boards as defined in subsection § 24-209 must be approved by the planning commission."*

§ 24-209 states the definition of an electronic sign as:

*"Signs whose alphabetic, pictographic or symbolic informational content can be changed or altered by electrical, electronic or computerized process, on a fixed display screen composed of electrically illuminated segments."*

### **III. SIGN ANALYSIS AND FINDINGS:**

#### **Site Characteristics**

The subject property is a convenience store and service station. The existing monument sign was approved with final site plan approval, S-1134, and is located in the north corner of the parcel.

#### **Surrounding Land Use and Zoning**

Properties to the south and south west of the subject property are part of the Gaithersburg North Research and Development Center and are similarly zoned MXD, Mixed Use Development. To the northwest of the property is the Montgomery Professional Park which is zoned I-3, Industrial and Office Park. North of the subject property are a variety of commercial businesses zoned C-2, General Commercial.

## Sign Analysis

The applicant is proposing to reface a portion of the existing monument sign to include a digital LED price display. The existing monument sign is not proposed to be relocated and currently incorporates a manual price display. The proposed LED price display will display the price of regular unleaded fuel. The existing 7-Eleven logo will remain unchanged.

The existing monument sign cabinet is thirty four (34) square feet and measures four (4) feet one (1) and three-fourths (3/4) inches tall by eight (8) feet three (3) and half (1/2) inches wide and rests on a ten (10) and one fourth (1/4) inch poured concrete and masonry base. The current monument sign is in conformance with § 24-212(r) which regulates service station signs. The proposed sign also conforms to § 24-212(r) subject to the Planning Commission's approval of the electronic sign in accordance to § 24-212(m)(6).



Existing Sign – Exhibit # 2



Proposed Sign – Exhibit #3

Staff did research in the State Code & found that persistent § 10-315 (e)(2)(1) of the State of Maryland Code each retail service station dealer shall keep a sign on the premises that states the lowest price for a whole measurement of regular gasoline sold on the premises.

## Summary of Findings

In accordance with § 24-212(m)(6) of the City's sign ordinance, the Planning Commission must grant approval for proposed electronic message boards on monument signs. Staff finds that the proposed monument sign fully complies with the City's sign ordinance.

## IV. CONCLUSION:

Staff recommends the Planning Commission to **GRANT APPROVAL OF SIGN-2665-2013, 7-ELEVEN LED PRICE SIGN RETROFIT, FINDING IT TO BE IN CONFORMANCE WITH §24-212 OF THE CITY CODE.**

**SIGN PERMIT APPLICATION***All information must be complete to initiate processing of application***1) SUBJECT PROPERTY**Street Address 3 professional Drive Gaithersburg  
Suite Number(s) \_\_\_\_\_**2) PROPERTY OWNER** (property owner's signed permission letter must be submitted with this application)Name 7-Eleven  
Street Address 1722 Routh St. Suite 1000 Suite No. 1000  
City Dallas State TX Zip Code 75201  
Telephone Numbers: Work 972-828-7830 Cell \_\_\_\_\_ E-Mail \_\_\_\_\_**3) APPLICANT**Name Shawn Pytkel Title Agent  
Street Address 11799 Occoquan Oaks Ln. Suite No. \_\_\_\_\_  
City Woodbridge State VA Zip Code 22192  
Telephone Numbers: Work \_\_\_\_\_ Cell 703-470-1552 E-Mail permitMEpps@hotmail.com**4) SIGN CONTRACTOR**Business Name Douling Signs MD Business License No. 08549314  
Primary Contact Larry Casperson  
Street Address 1801 Princess Anne St. Suite No. \_\_\_\_\_  
City Fred State VA Zip Code 22401  
Telephone Numbers: Work 800- Cell 703-795-7956 E-Mail \_\_\_\_\_**5) ELECTRICAL CONTRACTOR**Business Name \_\_\_\_\_  
Primary Contact N/A City License No. \_\_\_\_\_  
Street Address \_\_\_\_\_ Suite No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Telephone Numbers: Work \_\_\_\_\_ Cell \_\_\_\_\_ E-Mail \_\_\_\_\_**6) OCCUPANT/TENANT/DOING BUSINESS AS**Business Name 7-Eleven  
Primary Contact David Pelton  
Street Address 3 professional Dr. Suite No. \_\_\_\_\_  
City Gaithersburg State MD Zip Code \_\_\_\_\_  
Telephone Numbers: Work \_\_\_\_\_ Cell \_\_\_\_\_ E-Mail \_\_\_\_\_

## 7) PERMIT TYPE

☐ **TEMPORARY**

- ☐ Banner  
☐ Real Estate  
☐ Pole Banner  
☐ Construction
- ☐ Special Event

☐ **PERMANENT**

- ☐ A-Frame  
☐ Directional  
☐ Canopy  
☐ Building
- ☐ Monument  
☐ Re-Face  
☐ Electronic  
☐ Pole Banner

☐ **ELECTRIC ?**

Amps \_\_\_\_\_

☐ **ILLUMINATED ?**

- ☐ Externally  
☒ Internally

## 8) PROJECT DETAILS (complete all that apply)

(Enter Height and Width in Inches)

- a. Square footage of sign: (Height) 4'-1<sup>3</sup>/<sub>4</sub>" X (Width) 4'-1<sup>3</sup>/<sub>4</sub>" = 17.13 Sq. Ft
- b. Square footage of building facade holding sign: (Height) N/A X (Width) N/A = — Sq. Ft
- c. Square footage of individual tenant band: (Height) N/A X (Width) N/A = — Sq. Ft
- d. Height above grade N/A
- e. ☐ Facade holding sign faces public street ☐ Sign faces public entrance ☐ Sign has footing
- f. Exact wording of sign REGULAR UNLEADED GASOLINE  
Translation (if applicable) —
- g. Exact placement of sign REFACE Setback N/A
- h. Number of Faces 2
- i. Color(s) of sign RED AND WHITE
- j. Materials PLASTIC

Applicant's Signature

[Signature]

Date

3-26-13

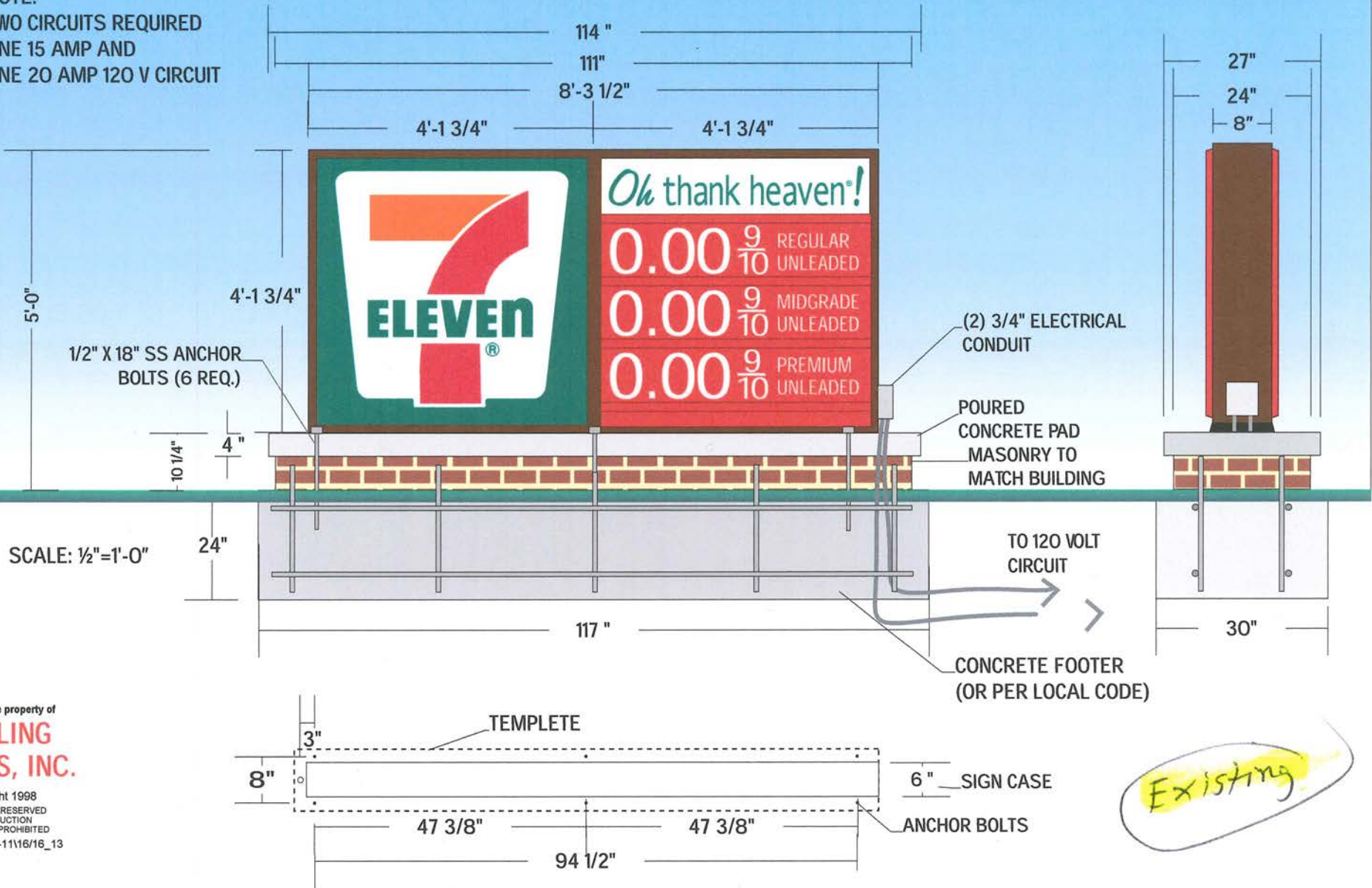
## 9) SUBMISSION REQUIREMENTS

- a. Three copies of sign drawing indicating dimensions, shape, materials, and description of the face with lighting detail.
- b. One copy of the site plan showing the location of the sign on the property/building.
- c. Landscape plan for monument signs.

# EXISTING 16/16 MONUMENT

## NOTE:

TWO CIRCUITS REQUIRED  
ONE 15 AMP AND  
ONE 20 AMP 120 V CIRCUIT



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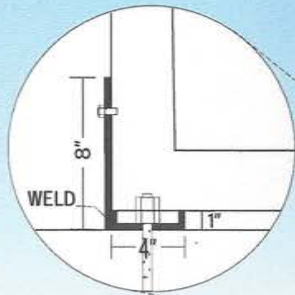
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# PROPOSED 16/16 MONUMENT

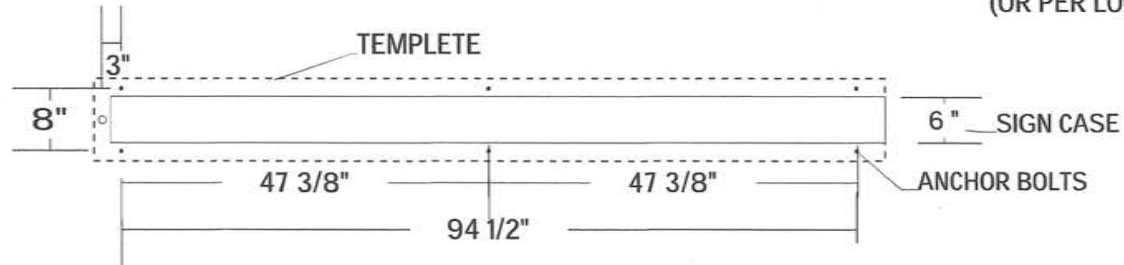
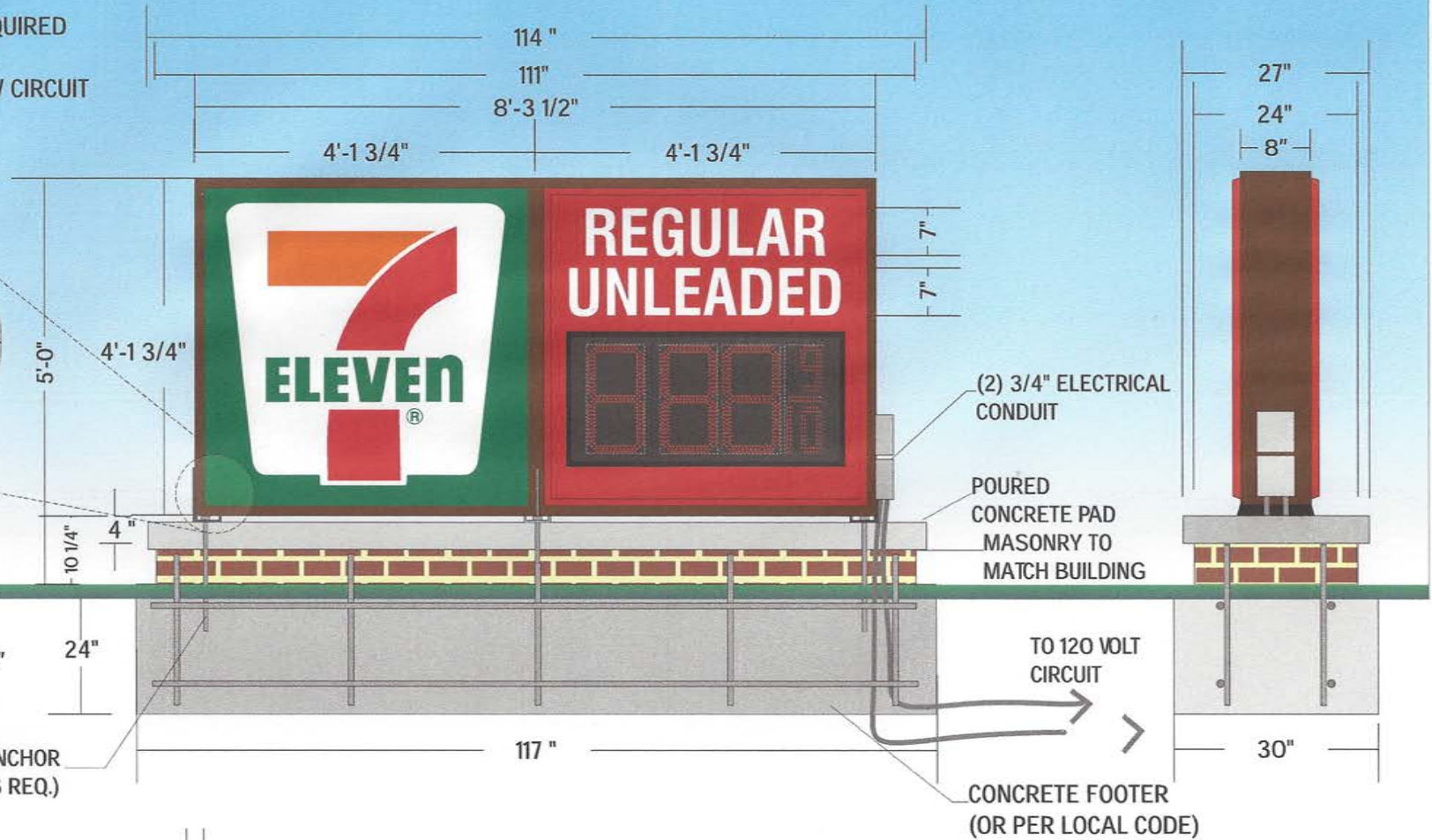
## NOTE:

TWO CIRCUITS REQUIRED  
ONE 15 AMP AND  
ONE 20 AMP 120 V CIRCUIT



SCALE: 1/2"=1'-0"

1/2" X 18" SS ANCHOR  
BOLTS (6 REQ.)



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## STAFF COMMENTS FOR PLANNING COMMISSION

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**MEETING DATE:** April 17, 2013

**SUBJECT:** **SIGN-2376-2013**

**TITLE:** **6 E. Diamond Monument Sign**

**REQUEST:** **MONUMENT SIGN  
SIGN PERMIT**

**ADDRESS:** 6 East Diamond Avenue

**ZONE:** CBD (Central Business District)

**APPLICANT:** Jose Ugalde

**TENANT:** Deck Master

**STAFF LIAISON:** Gregory Mann, Planning Technician  
Trudy Schwarz, Community Planning Director  
(Presenter)

**Enclosures:**

Staff Comments and Location Map  
Exhibits

Exhibit 1: Sign Permit Application  
Exhibit 2: Existing Sign  
Exhibit 3: Proposed Sign  
Exhibit 4: Applicants Letter



Location Map

## STAFF COMMENTS

### I. BACKGROUND:

The applicant has submitted an application for a sign permit, SIGN-2376-2013 (Exhibit 1). The subject property is located at 6 E. Diamond, within the Olde Towne District, and is zoned Central Business District (CBD).

### II. SCOPE OF REVIEW:

This application comes before the Planning Commission because the proposed sign contains letter heights less than seven (7) inches tall. § 24-212(m)(5) regulates the text height on monument signs, which states:

*"Individual letter height shall be not less than seven (7) inches and not more than twelve (12) inches."*

Olde Towne District Guidelines, Section 5: Signage, Freestanding Signs regulates the size of a monument sign, which states:

*"Monument signs shall not be greater in size than thirty six 36 square feet calculated by multiplying total width by total height from grade to top with a maximum height of six feet."*

Sign adjustments may be granted by the Planning Commission pursuant to § 24-213A(f), which states:

*"Sign adjustments: Where a literal application of this ordinance, due to special circumstances, would result in an unusual hardship in an individual case, an adjustment may be granted by the planning commission provided that such adjustment would not cause a detriment to the health, safety and welfare of the public, upon a finding that:"*

- (1) There exist exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape, or topography, which are not applicable to other lands or structures in the area; and*
- (2) The applicant would be deprived of rights that are commonly enjoyed by others similarly situated; and*
- (3) Granting the adjustment would not confer on the applicant any significant privileges that are denied to others similarly situated; and*
- (4) Neither the special circumstances nor unusual hardship is the result of action by the applicant; and*
- (5) The requested adjustment is the minimum adjustment necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated; and*



- (6) *Granting of the adjustment would not violate more than one standard of this ordinance; and Granting the adjustment would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic*

### **III. SIGN ANALYSIS AND FINDINGS:**

#### **Site Characteristics**

The subject property is a single family dwelling that was converted to office and than a retail building. The retail building currently contains four tenants. The existing monument sign was approved with permit PI-B100336, on May 27, 2010. The proposed sign will be located in the same place as the existing sign.

#### **Surrounding Land Use and Zoning**

The surrounding properties are similar zoned CBD, Central Business District, and are retail uses.

#### **Sign Analysis**

The applicant is proposing to replace the existing monument sign, and construct a new monument sign that will include three of the four tenants of the building (Exhibit #3). The existing monument sign currently has only one tenant on it.

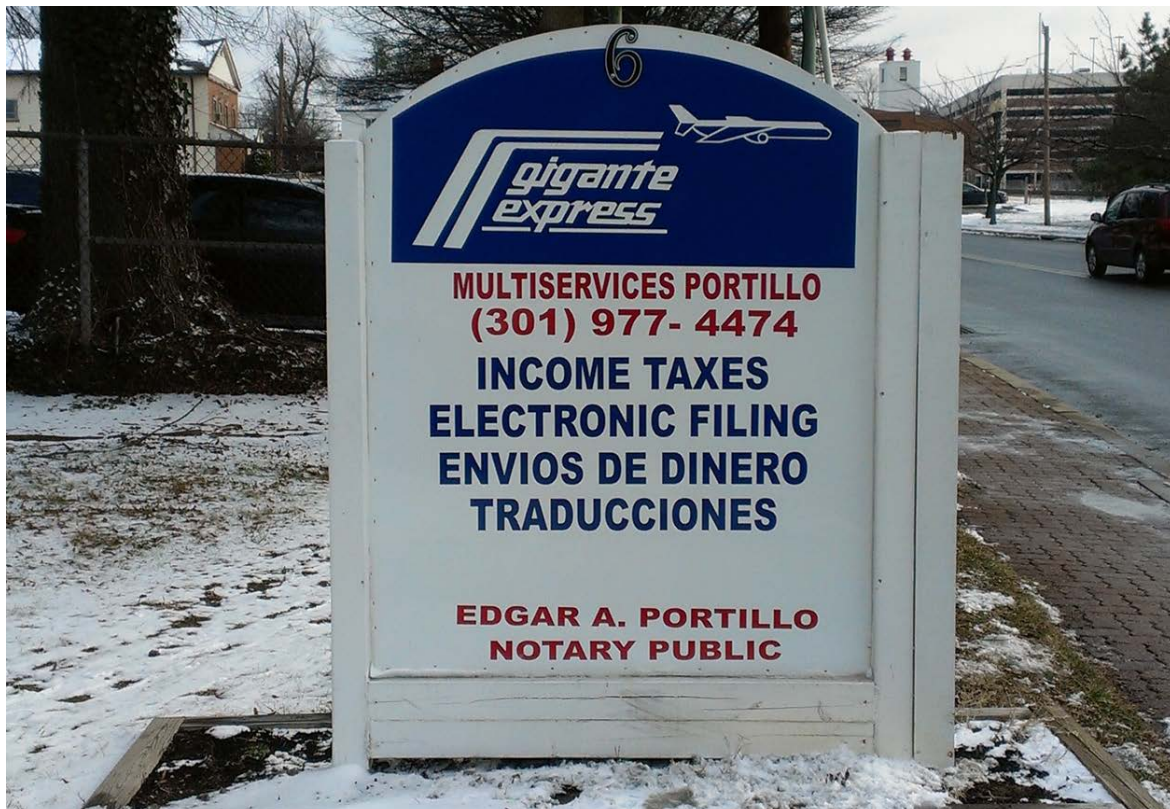


Exhibit 2 – Existing Sign



Exhibit 3 – Proposed Sign

Staff noted that the lettering did not comply with § 24-212(m) of the Sign Ordinance, which requires that letters be a minimum of seven (7) inches. The applicant noted that in order to meet those requirements, the sign would need to be larger, which would conflict with the Olde Towne requirement that the sign not exceed 36 square feet.

The applicant submitted a letter requesting a variance in accordance with § 24-212(m)(5) to allow letter heights smaller than seven (7) inches (Exhibit #4). The applicant submitted a picture of the existing sign, which currently has letter heights smaller than seven (7) inches to support the request (Exhibit #2). The existing monument sign has minimal letter heights of three and a quarter inches.

The height of the address number of the property is proposed to be seven (7) inches. The letter heights on the proposed sign vary in size from four (4) to Eight (8) inches. The logo for Gigante Express includes smaller letters.

As noted above, this sign does not include all the tenants of the building. The City Code however is limited to regulating size and letter height of signs but not the content.

### Summary of Findings

After reviewing the proposed sign, Staff is in support of the proposed letter height adjustment. East Diamond Avenue has a 25-mile per hour speed limit. The regulations for the monument sign were created for a higher traffic volume and speed roadway and are, therefore, restrictive for this property. The requirement for larger letters would require a waiver for the size of the sign. The proposed lettering

is in conformance with the existing sign and signs within the neighborhood. The address of the property is proposed to conform to the requirements and will be visible for the general public and emergency services. Please note that icon signs are allowed by right by the Olde Towne Guidelines.

#### **IV. CONCLUSION:**

Staff recommends the Planning Commission make a motion **TO GRANT SIGN ADJUSTMENT APPROVAL IN ACCORDANCE §24-212(m)(5) FOR SIGN-2376-2013, A MONUMENT SIGN FOR 6 East Diamond Avenue.**

Sign-2376-2013

2/12/2013

**P&CA**

**PLANNING AND CODE ADMINISTRATION**

City of Gaithersburg · 31 South Summit Avenue · Gaithersburg, Maryland 20877 · Telephone: (301) 258-6330 · Fax: (301) 258-6336  
 plancode@gaitersburgmd.gov · www.gaitersburgmd.gov

## SIGN PERMIT APPLICATION

*All information must be complete to initiate processing of application*

### 1) SUBJECT PROPERTY

Street Address 6 E. Diamond Ave. Gaithersburg, MD 20877  
 Suite Number(s) \_\_\_\_\_

### 2) PROPERTY OWNER (property owner's signed permission letter must be submitted with this application)

Name Raj Patel  
 Street Address 6 E. Diamond Ave Suite No. \_\_\_\_\_  
 City Gaithersburg State MD Zip Code 20877  
 Telephone Numbers: Work \_\_\_\_\_ Cell \_\_\_\_\_ E-Mail \_\_\_\_\_

### 3) APPLICANT

Name Jose Ugalde Title \_\_\_\_\_  
 Street Address 6 E. Diamond Ave Gaithersburg Suite No. Second Floor  
 City \_\_\_\_\_ State MD Zip Code 20877  
 Telephone Numbers: Work 888-903-3257 Cell 240-372-8755 E-Mail jugalde@deckmaster-us.com

### 4) SIGN CONTRACTOR

Business Name DeckMaster, Inc. MD Business License No. 128722  
 Primary Contact Jose Ugalde  
 Street Address 6 E. Diamond Ave Gaithersburg Suite No. Second Floor  
 City \_\_\_\_\_ State MD Zip Code 20877  
 Telephone Numbers: Work \_\_\_\_\_ Cell 240-372-8755 E-Mail jugalde@deckmaster-us.com

### 5) ELECTRICAL CONTRACTOR

Business Name \_\_\_\_\_  
 Primary Contact \_\_\_\_\_ City License No. \_\_\_\_\_  
 Street Address \_\_\_\_\_ Suite No. \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Telephone Numbers: Work \_\_\_\_\_ Cell \_\_\_\_\_ E-Mail \_\_\_\_\_

### 6) OCCUPANT/TENANT/DOING BUSINESS AS

Business Name \_\_\_\_\_  
 Primary Contact \_\_\_\_\_  
 Street Address \_\_\_\_\_ Suite No. \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Telephone Numbers: Work \_\_\_\_\_ Cell \_\_\_\_\_ E-Mail \_\_\_\_\_

## 7) PERMIT TYPE

☐ TEMPORARY

- ☐ Banner  
☐ Real Estate  
☐ Pole Banner  
☐ Construction
- ☐ Special Event

☒ PERMANENT

- ☐ A-Frame  
☐ Directional  
☐ Canopy  
☐ Building
- ☒ Monument  
☐ Re-Face  
☐ Electronic  
☐ Pole Banner

☐ ELECTRIC ?

Amps \_\_\_\_\_

☐ ILLUMINATED ?

- ☐ Externally  
☐ Internally

## 8) PROJECT DETAILS (complete all that apply)

(Enter Height and Width in Inches)

- a. Square footage of sign: (Height) 6' X (Width) 6' = 36 Sq. Ft
- b. Square footage of building facade holding sign: (Height) \_\_\_\_\_ X (Width) \_\_\_\_\_ = \_\_\_\_\_ Sq. Ft
- c. Square footage of individual tenant band: (Height) \_\_\_\_\_ X (Width) \_\_\_\_\_ = \_\_\_\_\_ Sq. Ft

d. Height above grade 6'

- e. ☒ Facade holding sign faces public street ☒ Sign faces public entrance ☒ Sign has footing

f. Exact wording of sign Attached sample is submitted  
Translation (if applicable) Money transfers and translation services on upper sign

g. Exact placement of sign Front of building Setback \_\_\_\_\_

h. Number of Faces \_\_\_\_\_

i. Color(s) of sign Multicolor

j. Materials wooden ptw posts buried w/ concrete and vinyl sheet as base w/ painted wood trim as decoration.

Applicant's Signature \_\_\_\_\_ Date 2/12/13

## 9) SUBMISSION REQUIREMENTS

- a. Three copies of sign drawing indicating dimensions, shape, materials, and description of the face with lighting detail.
- b. One copy of the site plan showing the location of the sign on the property/building.
- c. Landscape plan for monument signs.



**SALAS  
CENTER**

6



**MULTISERVICES PORTILLO  
(301) 977- 4474**

**INCOME TAXES  
ELECTRONIC FILING  
ENVIOS DE DINERO  
TRADUCCIONES**

**EDGAR A. PORTILLO  
NOTARY PUBLIC**





4" high

8" high

**5" high**  
Even at this height letters look vertically distorted. The ideal height based on 6' wide would be 4" high like on the top. 7" high would be impossible due to width.

4" high

6'-0"

6'-0"

Scaled: 1" = 1'





April 2, 2013

City of Gaithersburg  
Planning Commission  
Re: Letter height variance for monument sign  
Location: 6 E. Diamond Ave, Gaithersburg, MD 20877  
Applicant: Jose Ugalde with DeckMaster, Inc.

To whom it may concern,

This is a variance letter to request an exception on minimum letter height requirements for a monument sign application. The sign will replace an existing sign at 6 E. Diamond Ave, Gaithersburg, MD 20877. The application was submitted on Feb 14, 2013 and reviewed by Gregory P. Mann. He returned the application to me for apparently not being compliant with the city codes for monument signs according to chapter 24. Article IX, section 24-212 (m). The code stipulates that the individual letters of the monument sign shall be no less than 7" in height and no more than 12".

The letters of the existing sign have a minimum height of 3.25" which is less than what is required as you can see on the attached photo of current sign. The reason we want to replace the current sign is to add more tenants to the sign since currently there's only one tenant included. The proposed design will be increasing the size of the letters by almost 2 inches in height. I would comply with the regulations stipulated in the city code, but there is a conflict between what the above code says and the "Old Towne Master Plan". Section 24-212 clearly allows the sign to be built up to 10 feet wide by 8 feet high. However, the Old Towne District Master Plan: MP-1-05 section 5 (Signage) stipulates that monument signs cannot be bigger than 6 feet wide by 6 feet in height (36 sq.ft). Therefore, since you are only allowed to have 36 sq.ft of space and at the same time required to have letters no less than 7" high, you obviously have no room to fit the letters of 3 different tenants.

This code was clearly made with the idea of having a larger size sign up to 10x8 in size as allowed by the city of Gaithersburg article IX section 24-212 (m). As you increase the height of the letters to 7" in height you obviously have to increase the horizontal size of the letters proportionately to the height. Therefore, putting 7" letters in a 6x6 sign will not only look unattractive, but will leave no room to accommodate the basic information of 3 tenants.

This letter is to request a variance in the letter height to accommodate for basic business information for the 3 tenants names as shown on proposed design. While my design does not meet the minimum requirements stipulated in said city code, I'm increasing the letter height to 5" minimum which is almost 2" bigger than the existing sign. As you can see on the attached proposed design, the letters look big enough already and increasing the size any more will distort the letters dramatically.

Since the purpose of the new code is to avoid traffic problems and increase visibility of the passing by drivers, it would even be beneficial for the city to approve such sign since it



will increase visibility compared to current sign. In other words, if this variance is not approved, the current sign will remain since the current owner of the sign is in no rush in replacing it given that he's the only one in the sign right now, and therefore he does not have to share space with anyone. I negotiated with him to allow me to be in the sign as a new tenant which means he is willing to give up some of his current information to accommodate me. However, if the sizes of the letters keep increasing then there will be no room for him to keep his most important information plus my information. He obviously have no interest to replace such sign because he already spent money on putting the current one 2 years ago.

In conclusion, I would like to request an exception to build the 6x6 sign as required by the old town Gaithersburg with individual minimum letter height of 4-5" instead of 7" given the fact that I cannot build the new sign to the maximum size of 10x8 allowed in sec 24-212 due to a conflict with the Master Plan. Also keep in mind that some letters maximum height will be around 8" in size which is more than required.

If the sign is approved, it will be built with the best quality maintenance free materials and high quality graphics to enhance the look of the community. Also, as a Maryland licensed contractor, I will make sure the sign is also built to exceed building codes requirements for monument signs.

I would greatly appreciate your help in this matter. If you have any questions or required any further documentation please let me know right away.

Sincerely,  
Jose Ugalde  
DeckMaster, Inc.